

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: FACEBOOK, INC., CONSUMER
PRIVACY USER PROFILE LITIGATION

MDL No. 2843
Case No. 18-md-02843-VC

This document relates to:

People of the State of Illinois, ex rel.
Kimberly M. Foxx v. Facebook

Case No. 18-cv-06486-VC

**ORDER REQUESTING FURTHER
SUPPLEMENTAL BRIEFING
REGARDING MOTION TO REMAND**

By 4 pm on December 14, 2018, the Cook County State's Attorney and Facebook should each file briefs, not to exceed 15 pages, addressing the questions below. The parties are directed to serve this order on the Illinois Attorney General's Office, so that the Attorney General may file an amicus brief, with the same deadline and page limitations, if she wishes.

1. Besides *In re: Avandia Marketing, Sales Practices and Product Liability Litigation*, are there other MDLs that contain cases brought by subordinate state officials or entities (such as district attorneys or commissions) under a state law authorizing them to sue in the name of the state, where the case was filed in state court, removed to federal court, and then transferred to the MDL proceeding? Of those cases, was removal and transfer contested? If so, what happened?

2. If the State's Attorney were to pursue this case in state court and lose on the merits, would the Illinois Attorney General be barred from subsequently filing a similar action against the same defendants? In addition to discussing Illinois law, the parties should identify and discuss any case law on this issue in other states (such as California) that have analogous statutes authorizing subordinate government officials or entities to bring lawsuits seeking statewide relief

in the name of the state. The parties must identify such case law whether it is favorable to their position or not.

3. If a State's Attorney files a lawsuit like this in Illinois, does the Illinois Attorney General have the right to intervene and take charge of the case? If the State's Attorney and the Illinois Attorney General ended up disagreeing about the proper outcome or direction of the case, would the view of the Illinois Attorney General automatically prevail? If there is no definitive answer with respect to Illinois, is there law in other states with analogous statutes that might shed light on this question? The parties must identify such case law whether it is favorable to their position or not.

IT IS SO ORDERED.

Dated: December 6, 2018



VINCE CHHABRIA
United States District Judge